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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

(124)
4/3/02
TELEPHONE
215-597-2995

Harrisburg Clerk of District Court
(District)

Date 3-28-02

Montague v. Myers
(Caption)

C. of A. No. 02-1568

Terrance Montague
(Appellant)

RECEIVED

APR 02 2002

00-CV-895-mag/mysol
(D.C. No.)

PER
HARRISBURG, PA. DEPUTY CLERK

Enclosures:

3-28-02 Certified copy of C. of A. Order by the Court/Clerk
(Date)

Released (Record) (Supplemental Record - First - Second - Third)

Copy of this form to acknowledge receipt and return to C. of A.

Record not released at this time until appeal(s) closed at No.(s)

Please forward Certified List in Lieu of Record to this office.

The certified copy of order issued as the mandate on
is recalled.

Carolyn Hulse (267)-299-4926
Deputy Clerk Telephone Number

Receipt Acknowledge:

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4-2-02 BTB
(Date)

Rev. 3/13/00
Appeals (Certified List in Lieu of Record)

EPS-128

March 28, 2002

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 02-1568Montague v. Meyers
(M.D. Pa. No. 00-cv-00895)FILED
HARRISBURG, PA

APR 02 2002

To: Clerk

MARY E. D'AMICO, CLERK
Per 5/51) Motion for Leave to Proceed In Forma Pauperis

The foregoing Motion to proceed in forma pauperis is granted. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$105.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the Middle District of Pennsylvania. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the Middle District of Pennsylvania equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

This appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court also will consider any other appropriate action, such as summary affirmance of the order of the District Court. See Third Circuit Internal Operating Procedures Chapter 10.6.

Should the appellant file in this Court for in forma pauperis in the future, the motion must be accompanied by an affidavit in the form specified by the Federal Rules of Appellate Procedure.

For the Court,

Maryanne E. Lewis

Clerk

Dated: March 28, 2002
CH/cc: Mr. Terrance Montague
Maryanne E. Lewis, Esq.A True Copy
Carolyn H. H.
Deputy Clerk